UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/052,585	01/23/2002	Mark Webster Newman	PARC-DA1084	2571

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EXAMINER
VU, TRISHA U

ART UNIT	PAPER NUMBER
2111	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

	Application No.	Applicant(s)
	10/052,585	NEWMAN ET AL.
Office Action Summary	Examiner	Art Unit	
	Trisha Vu	2111	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>12 September 2007</u>.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>1-28</u> is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>1-28</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on <u>23 January 2002</u> is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All   b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
   Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413)
   Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

1.   This Office Action is responsive to Applicant's Request for Continued Examination filed

09/12/2007.

2.   Claims 1-28 are presented for examination.

3.   Claims 1, 11 and 20 are independent claims.

4.   Claims 1, 11 and 20 are currently amended.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the

basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5.   Claims 1-28 are rejected under 35 U.S.C. 102(b) as being anticipated by Pleso (U.S.

Patent 6,009,480).

Regarding claims 1, 11 and 20, Pleso teaches a system and a method comprising:

a plurality of devices (host computer 54, peripheral deices P1-P4 such as printer,

scanner, etc., Figs. 10- and col. 4 line 29 et seq.), wherein devices within the plurality of

devices communicate with incompatible protocols (e.g. host computer 54 and printer 52

have incompatible protocols, the host computer must download the printer's driver in

order to control the printer, otherwise it cannot understand and work with the printer, col.

1 lines 29-54, and col. 7 lines 49-58);

a first device in the plurality of devices (e.g. printer 52) having a universal

contextual interface (a specific device driver which provides a communication interface

between the printer and the host, col. 1 lines 29-54, and col. 7 lines 49-58), the universal

contextual interface associated with at least one instruction (e.g. when the host initiates

command to download driver), for transferring contextual data (e.g. driver and associated

configuration data) associated with the first device (col. 8 lines 19-49); and

a second device in the plurality of devices (e.g. the host computer 54) that invokes

the universal contextual interface of the first device by executing the at least one

instruction to transfer the contextual data between the first device and at least one of the

plurality of devices (the host computer 54 prompts the printer 52 with a unique command

to download the driver code from the printer to the host, col. 8 lines 43-49), the plurality

of devices having no prior knowledge of each other (the host computer does not have

prior knowledge of the newly connected printer) (col. 8 lines 12-29).

As for claims 2, 12 and 21, Pleso teaches wherein the at least one of the plurality

of devices comprises the second device (col. 4 lines 29-33 and col. 5 lines 2-15).

As for claims 3, 13 and 22, Pleso teaches wherein the first device sends a context

object to the second device to be used by the second device to transfer the contextual data

(the printer 52 sends context object such as how many interrupts does the printer need,

how many address space does the printer need, the size of the driver, etc. to be used by

the host computer to transfer the driver data, col. 8 lines 21-29 and col. 10 lines 30-50).

As for claim 4, Pleso teaches wherein the second device receives a context object

from the first device to be used by the at least one of the plurality of devices for receiving

contextual data transmitted from the first device (col. 8 lines 21-29 and col. 10 lines 30-50).

As for claims 5, 14 and 23, Pleso teaches wherein the at least one of the plurality of devices uses the contextual data as a criteria to authorize the first device or the second device to access instructions, data or operations associated with the at least one of the plurality of devices (col. 1 lines 29-54, and col. 7 lines 49-58).

As for claims 6, 15 and 24, Pleso teaches wherein the universal contextual interface or a context object have source-specific, object-oriented mobile code that can be understood and performed by the at least one of the plurality of devices to receive contextual data (col. 8 lines 21-29 and col. 10 lines 30-50).

As for claims 7, 16 and 25, Pleso teaches wherein the plurality of devices comprise at least one device, at least one software application or at least one file (col. 5 lines 2-15).

As for claims 8, 17 and 26, Pleso teaches wherein the first device further comprises a historical database having at least one record of data provided by the second device during invocation of the universal contextual interface (col. 8 lines 21-29 and col. 11 lines 45-54).

As for claims 9, 18 and 27, Pleso teaches wherein the second device invokes a universal notification interface to register the at least one of the plurality of devices to receive an event notification each time the contextual data changes (col. 13 lines 25-35).

As for claims 10, 19 and 28, Pleso teaches wherein the contextual data comprises executable computer language instructions, or a type, operating status, identity, location,

administrative domain or environment information of at least one of the plurality of

devices (col. 1 lines 29-54, and col. 8 lines 21-29).

Response to Arguments

6.   Applicant's arguments filed 08/20/2007 have been fully considered but they are not

persuasive:

With respect to Applicant's argument that *"the present invention describes a universal*

contextual interface associated with a peripheral device that can be invoked by a computer

system by executing an instruction of the universal contextual interface... the present

inventive computer system does not have to download and install a device driver for each type of

device... The applicant respectfully submits that Pleso is different from the instant application in

that Pleso requires a device driver to be downloaded and installed to take effect" (pages 8-9 of

the Remarks), it is brought to Applicant's attention that the features upon which applicant relies

(i.e., *the present inventive computer system does not have to download and install a device driver*

for each type of device) are not recited in the rejected claim(s). Although the claims are

interpreted in light of the specification, limitations from the specification are not read into the

claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993). Pleso's

column 8 lines 19-55 discloses:

"If a new device (e.g. printer 52) is found, the processor 12 in step 126 <u>queries the printer 52</u> for
what resources the printer 52 needs (e.g., how many interrupts does the printer 52 need, does the
printer 52 need any DMA channels, how much address space does the printer 52 need, etc.). In step
126, the printer 52 replies with what its needs are. The processor 12 looks at a table of resources stored
within the system memory 18 for the requested resources. The processor 12 assigns the resources and
tells the printer 42 what resources it has.

After, the assignment, the processor 12 <u>initiates a driver download sequence</u> in step 128. The driver download sequence can be implemented just before Windows 95 is complete. Thus, when a device (e.g., I/O card 32 and/or peripheral device P1-P4) is found that requires a driver, the driver sequence can be implemented during the PNP sequence. This step involves downloading the peripheral device driver from the peripheral device to the host computer 54. The driver can be stored in flash memory of the I/O card 32 if desired. The peripheral device stores its driver within its own memory and during the PNP sequence it downloads the driver to the memory (e.g., hard disk) of the host computer 54.

The host computer 54 via the I/O card 32 <u>prompts the peripheral device 52 to download the driver</u>. Since the I/O address has already been assigned to the device 52, and the host computer 54 can talk to the device 52, it will send a unique command to the device 52 via a base address. This unique command will prompt the device 52 to download the driver code to the host computer. In the preferred embodiment, the driver is written in a processor independent language such as "C", JAVA, etc. If JAVA is employed the driver becomes platform independent and thus the device can be hooked up to any type of computer due to being platform independent. The peripheral device will go into driver download mode."

Thus, Pleso clearly teaches the second device (host computer 54) invokes the universal contextual interface of the first device (a particular device driver which provides a communication interface between the device and the host) by executing the **at least one instruction** to transfer the contextual data between the first device and at least one of the plurality of devices (e.g. host computer **prompts** the peripheral device 52 to download the drive, as noted above).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Trisha Vu whose telephone number is 571-272-3643. The examiner can normally be reached on Mon-Thur and alternate Fri 8:00am - 5:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Mark Rinehart can be reached on 571-272-3632. The fax phone number for the

organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent

Application Information Retrieval (PAIR) system. Status information for published applications

may be obtained from either Private PAIR or Public PAIR. Status information for unpublished

applications is available through Private PAIR only. For more information about the PAIR

system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR

system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would

like assistance from a USPTO Customer Service Representative or access to the automated

information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Trisha Vu
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